

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 27030N DATE: June 1, 2005
RESPONSE REQUIRED BY: July 1, 2005

PERMIT MANAGER: David Wickens PHONE: 415-977-8463 Email: David.M.Wickens@usace.army.mil

1. INTRODUCTION: Mr. Charlie Traboulsi, TDG Engineers, 3289 Regional Parkway, Santa Rosa, CA 95403 [Contact: Charles A. Patterson, 925-938-5263] has applied for a Department of Army permit to place fill into approximately 0.65 acre of waters of the United States, for the purpose of constructing a residential subdivision known as the Barnes Road Subdivision located at 3718 and 3714 Barnes Road in Santa Rosa, Sonoma County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Site: The Barnes Road Subdivision site is 6.2 acres in size and is located in central Sonoma County, in the northeast portion of Santa Rosa, west of U.S. Highway 101, southeast of the V-intersection of Barnes Road and Dennis Lane, (See Figure 1, "Local Setting Map"). The site consists of APNs 059-010-034 and 034-024-013. The street addresses for the subject parcels are 3718 and 3714 Barnes Road, Santa Rosa, Sonoma County, California.

Currently the site is a fallow grassland, open field with very little topographical relief. The site has been partially cross-fenced, farmed, grazed, and cultivated in the past, with evidence of historic leveling, disking, and ditching. Most of the site is weedy annual grassland. The site has historically been farmed, cultivated, and grazed. The site is currently fallow. The site has not been utilized for agricultural activities in the recent past. Residential

single-family housing exists immediately to the south, southeast, and the east of the site. Mixed residential and pastureland uses exist to the north and west of the site.

The site contains waters of the United States. In accordance with our regulations, the site was delineated using the Corps Wetland Delineation Manual (Corps 1987). The Corps verified the applicant's delineation, prepared by Charles A. Patterson, on January 30, 2003. The wetlands on site consist of three seasonal wetland swale features and two small, seasonal wetland depressions, (See Figure 2, "Existing Conditions, Barnes Rd. Subdivision").

The largest wetland swale is located in the eastern quadrant of the property. The swale extends from the southern property boundary to the north property boundary and discharges into a roadside ditch south of Dennis Lane. Two small wetland depressions are located adjacent to this swale complex.

A much smaller swale exists east of the largest swale. This swale also drains into the roadside ditch south of Dennis road.

A third small wetland swale is located in the western portion of the site. It drains to a ditch parallel to the east site of Barnes Road.

The wetland swales and wetland depressions contain a hydrophytic herbaceous plant community dominated with the following plant species; *Pleuropogon californicus*, *Eleocharis macrostachya*,

Juncus tenuis, *Rumex crispus*, *Trifolium sp.*, and *Lolium sp.*

The non-wetland grassland cover has been completely converted to non-native annual herbs and forbs dominated by *Lolium sp.*, *Bromus mollis*, *Trifolium sp.*

Project Description: As shown in the attached drawings, the proposed project would provide a range of housing types including 45 detached single-family homes, two "granny" units, and one duplex, in total resulting in 7.5 units per acre, (See Figure 3, "Development Layout, Barnes Rd. Subdivision").

Infrastructure will involve linking the proposed subdivision to existing City of Santa Rosa storm sewer, sanitary sewer, and water service. City utilities are located adjacent to Barnes Road approximately 700 feet south of the project site. The applicant proposes to arrange to have city utilities extended along Barnes Road to service the project site.

Purpose and Need: The basic purpose of the project is to provide residential housing within the City of Santa Rosa. The applicant states that the proposed residential land use is consistent with current zoning of the project site and will assist the City of Santa Rosa meet their housing requirements. The applicant also states that the proposed housing development is consistent with what is considered to be the "entry level" consumer segment for homes purchased in Sonoma County. The applicant further states that City of Santa Rosa infrastructure service (sanitary sewer, storm sewer, and city water) extended to the project site can also provide neighboring parcels with the ability to upgrade to city services.

Impacts: Development of the project will result in 900 cubic yards (cy) of fill into 0.65 acre of Corps jurisdictional wetlands.

Mitigation: The applicant is proposing to mitigate impacts to jurisdictional waters of the United States with the purchase of wetland mitigation bank preservation credits equal to the amount of wetland impact (0.65 acre) and the purchase of wetland mitigation bank creation credits equal to the amount of wetland impact (0.65 acre). Wetland mitigation bank credits of both types (preservation and creation) have been reserved for this project at the Hale Mitigation Bank, located on Todd Road, Santa Rosa, Sonoma County, California.

The aforementioned amount of preservation and creation wetland mitigation bank credits may be substituted to the Horn Bank, located on Horn Avenue, Santa Rosa, Sonoma County, California, should the Horn Bank become available prior to project construction.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the United States Fish and

Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS), if a Corps permitted project may adversely affect any federally listed threatened or endangered species or its designated critical habitat.

The project site is located in the Santa Rosa Plain. Four federally listed plant species occur in the Santa Rosa Plain; Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculans*), Burke's goldfields (*Lasthenia burkei*) and many-flowered navarretia (*Navarretia leucocephala* ssp. *Plieantha*). No federally listed species of plants have been observed to occur on the project site during six years plant of surveys. The applicant has presented evidence that these species do not occur.

The project site is within the recognized range of the California tiger salamander (*Ambystoma californiense*). Protocol surveys for the endangered California tiger salamander were conducted. The FWS has determined development of the proposed project will not result in a take of the California tiger salamander, and a "no effect" determination was granted for the project site.

The applicant's Biological Assessments can be reviewed at the Corps's San Francisco office.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the North Coast Region Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for

certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent. The applicant has not submitted an Analysis of Alternatives and has been informed that such an Analysis is required and will be reviewed for compliance with the guidelines.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national

concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S.

Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting David Wickens of our office at telephone 415-977-8463 or E-mail: David.M.Wickens@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

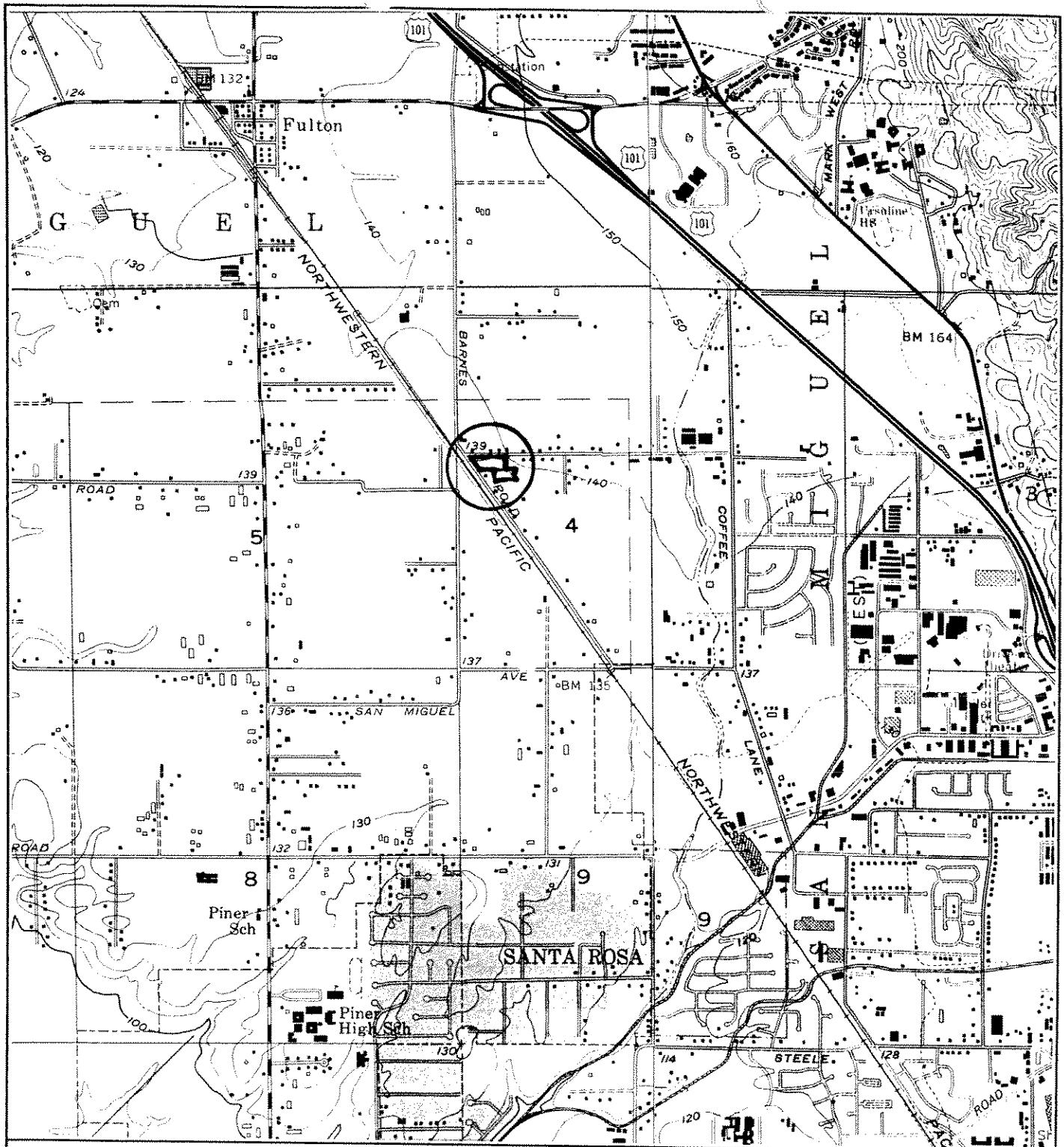


FIGURE 2

Local setting map

NORTH



SITE LOCATION: 3718 & 3714 Barnes Road (at Dennis Lane), NE Santa Rosa

APPLICANT: The Tuxhorn Company, P.O. Box 11128, Santa Rosa, CA 95406 (707 569 - 0300)

Sonoma Co. APNs
059-010-034
034-024-013
(5.8+ acres)

Basemap: USGS 7.5' topo. maps, Sebastopol & Santa Rosa quads; **Scale:** 1 inch = approx. 2000 feet

Jurisdictional request for the 'Barnes/Dennis' site, Santa Rosa

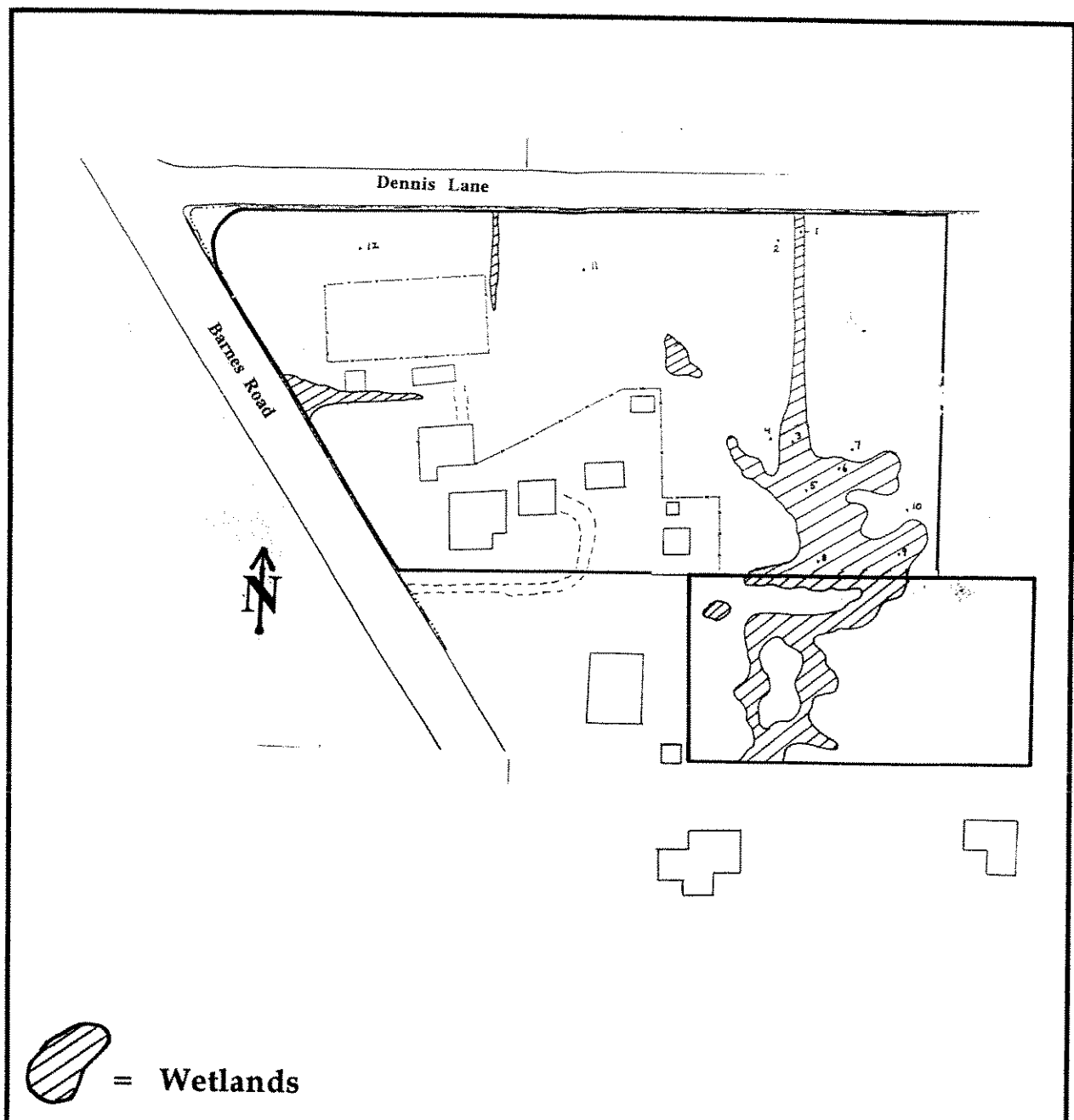


Figure 4. Existing Conditions, Barnes Rd. Subdivision

Purpose: Fill of 0.64 acre of seasonal wetland for residential development
Datum: NGVD
Adjacent landowners: Provided separately

Basemap: tracing from 1990 air photo
Scale: 1 inch = 150 feet
Applicant: Charlie Traboulsi, 3289 Regional Parkway, Santa Rosa, CA 95403

In: Ditches & swales tributary to storm drains to Santa Rosa Flood Channel
At: 3714/3718 Barnes Road, Santa Rosa
Corps File No.s 28506N & 27030N

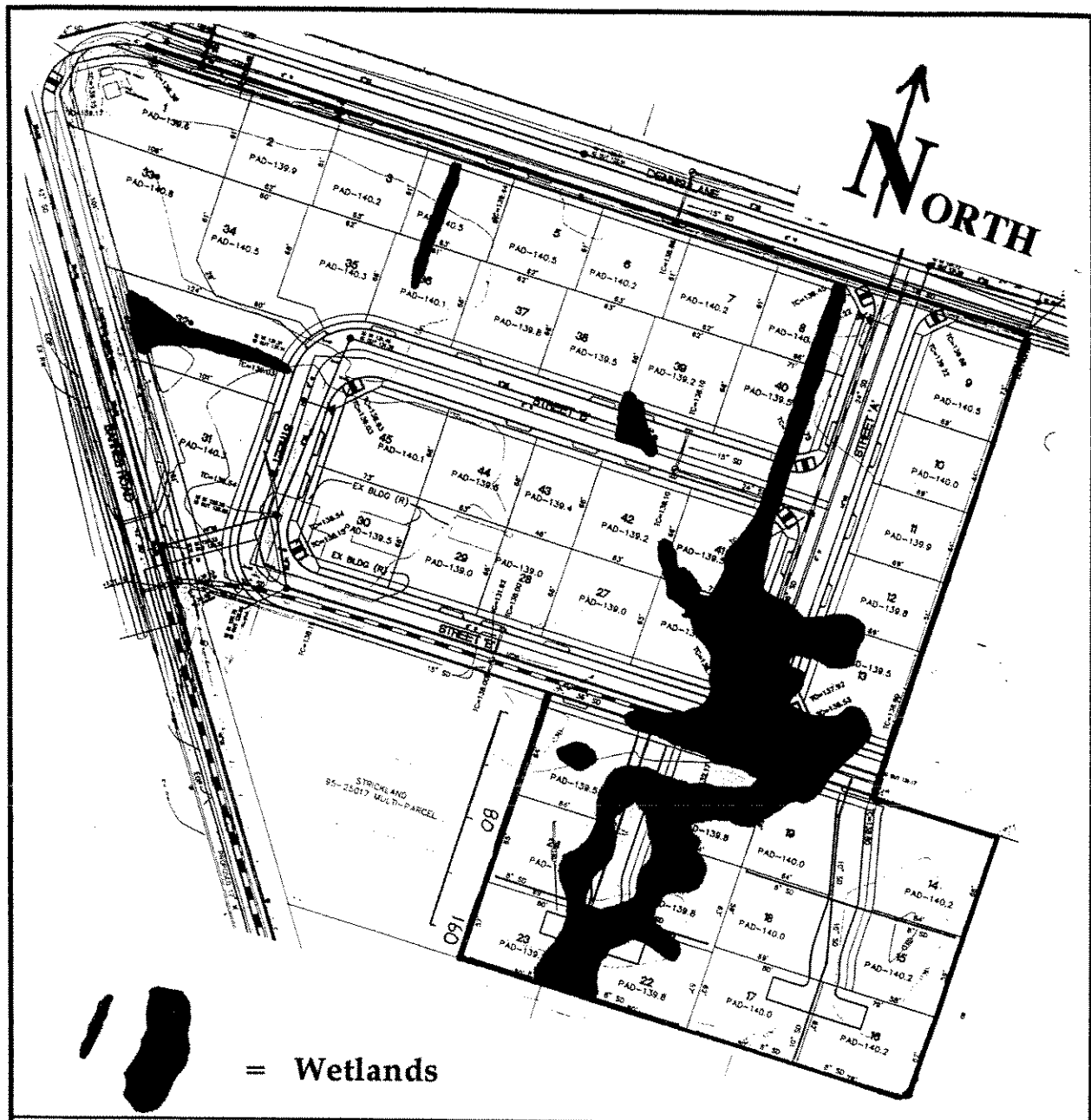


Figure 5. Development Layout, Barnes Rd. Subdivision

Purpose: Fill of 0.64 acre of seasonal wetland for residential development
Datum: NGVD
Adjacent landowners:
 Provided separately

Basemap: basemap by TDG Engineers
Scale: 1 inch = 115 feet
Applicant: Charlie Traboulsi, 3289 Regional Parkway, Santa Rosa, CA 95403

In: Ditches & swales tributary to storm drains to Santa Rosa Flood Channel
At: 3714/3718 Barnes Road, Santa Rosa
Corps File No.s 28506N & 27030N